

**CITY OF EL PASO
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"
2ND FLOOR, CITY COUNCIL CHAMBERS
January 30, 2013
5:30 P.M.**

MINUTES

The Building & Standards Commission Panel "A" held a public hearing in City Council Chambers, 2nd floor of the City Hall Building on Wednesday, January 30, 2013 at 5:30 p.m. with the following members present:

Board Members Present:

Robert C. Filarski
Jesse Sanchez
Paul Gilcrease
Conrad Conde (alternate)
Michael Bray (alternate)
Andrew Haggerty

Others Present:

Karl Rimkus, Code Compliance Manager
Assistant City Attorney
John Batoon, Assistant City Attorney
Roger Iveson, Chief Building Inspector
Tom Maguire, Chief Building Inspector
Wayne Fannin, Building Combination Inspector
Nellie Avalos, Building Inspector
Rodolfo Huerta, Building Inspector
Nathan Walsh, Building Inspector
Kevin Harrell, Building Inspector
Diana Cedillo, Senior Office Assistant

Late Members:

Al Jurado 5:46

AGENDA

Call to Order

- I. The Building & Standards Commission meeting, Panel "A" was called to order by Chairman Filarski at 5:40 p.m.

Chairman Filarski sworn in all witnesses present to give testimony on the cases heard.

- II. Approval of the November 28, 2012 minutes

Motion made by Michael Bray, seconded by Paul Gilcrease, to approve the November 28, 2012 minutes, unanimously passed.

Regular Items:

- III. Public hearing to determine if the property located at 6016 Redstone Lane, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Michael E. Jones, and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector presented case.

Kevin Harrell, Building Inspector, gave a brief chronology of property.

Tom Maguire advises that there is a potential buyer for this property.

John Batoon advises owners are still legally responsible, title has not been transferred yet.

Micheal E. Jones & Ingrid Deutch, who is Mr. Jones partner; are still responsible for the property. He advises the board that he and partner were unable to purchase new roofing due to funds. They were able to get estimates to rehabilitate, an approximate \$16,000 to repair roof. Home insurance only paid \$2000 for damaged ceiling tiles. Ms. Deutch advised they are in process of selling property. The couple was still maintaining property, but City secured & boarded property.

Mr. Filarski verified the first date of first investigation which was November 29, 2006. Mr. Filarski asked the owners if they contacted the City; the City of El Paso did not receive a response concerning the property.

Mr. Jones will be closing on property in approximately 2 weeks.

Mr. Filarski advises the owners they have to secure the property within 30 days.

Ms. Deutch informs the Committee that the property will be secured in 30 days.

Commission was informed that property has been secured, except for the roof; although there is an infestation of bees.

Mr. Bray questions health hazards concerning mold.

Mr. Batoon advises that the County of El Paso has removed the bee infestation, so it has now been eliminated.

Mr. Sanchez asked when the structure's Certificate of Occupancy was revoked.

Nellie Avalos, Building Inspector, advises the Board that property was condemned in 2008. Certified letters were sent out to owners but received no response.

Ms. Deutch advises that the couple was maintaining the property biweekly, but the previous Board advised them not to secure and board the property.

Mr. Bray states that there are guidelines that need to be followed upon condemnation of property. The roof needs to be secured and boarded within the thirty (30) days.

The owner has been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structures' certificate of occupancy be revoked; and
4. That the structure can be rehabilitated; and
5. That the structure be secured and maintained within thirty (30) days; and
6. That the holes in the roof system be maintained within 30 days; and
7. That the bee infestation be removed within thirty (30) days;
8. That the premises be cleaned and maintained clean of all weeds, trash and debris within thirty (30) days; and
9. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Motion made by Michael Bray seconded by Jesse Sanchez to accept staff recommendations with the modification that the property be ordered to be maintained and secured within thirty days instead of demolition, unanimously carried.

- IV. Public hearing to determine if the property located at 10312 Wilshire Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to

secure, repair, remove or demolish the property. The interested parties have been identified as, Ygnacia Ramirez, and she has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Rudy Huerta, Building Inspector presented the case.

Mr. Bray asked if property can be rehabilitated, in which it can be rehabilitated and verified the time frame being 30 days. Mr. Maguire stated thirty (30) days is regular time frame.

Mr. Gilcrease asked if there was any response from owners about the property; in which there was no response to the City of El Paso.

Mr. Haggerty asked if there was any response from the property owners, in which no response has been made.

Officer Zamora from the NERCC states that he has been out to the property on seven different occasions; advises high school students constantly on property which poses major concerns; most activity comes from students after school.

Mr. Gilcrease stepped out of meeting at 6:15.

Motion made by Mr. Bray, seconded by Mr. Haggerty, to accept staff recommendations, unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the main structure be secured and be maintained secure; and
 5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- V. Public hearing to determine if the property located at 2006 Detroit Avenue, in the City of El Paso, are dangerous structures and determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, Mario Juarez, Jr., and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Nathan Walsh, Building Inspector presented the case.

Mr. Bray point of order question chronology ownership.

Mr. Filarski inquiring of the two (2) electrical meters at the rear of property. Mr. Maguire explained the use of the two (2) meters on the rear of the property.

Owner of property Mario Juarez Jr. was present for discussion. He stated that the property was purchased approximately two (2) years ago from foreclosure. He was aware of the structure of the property; but would like to bring the property up to standards. He began the process of

rehabilitating the home since May, but since then, has not been back. Mr. Juarez was not aware of the severity of the damage of the home. He stated that he received Hearing Notice only one (1) week prior to the meeting. He is asking for extension of time to bring the structure up to code.

Mr. Filarski asks the staff if the structure is repairable.

Mr. Maguire states the owner will need an Engineer's Report, along with a complete set of plans with a scope of work to determine if the property is indeed repairable within thirty (30) days.

Mr. Bray asks if proof of financial ability to show what the Engineer's Report would recommend to rehabilitate property.

Mr. Maguire states proof of financial ability is not generally requested, but due to the time frame for rehabilitation; then it would be up to Commission Board to extend time frame to ninety (90) days; in which this is a deferred adjudication; after the time frame, City of El Paso can still demolish property.

Mr. Filarski asked Mr. Juarez if he is financially able to repair property, as well as get an engineer.

Mr. Juarez advises 30 days is not enough time to repair property.

Mr. Bray asks what maintenance to the property has been done for the two (2) years of ownership.

Mr. Juarez has invested his funds in his own business; therefore he did not have investment towards property.

Mr. Batoon advised Commission Board has owner has thirty (30) days to demolish property or provide Engineer's plans. Once plans have been provided, Commission Board can then extend Mr. Juarez's time to rehabilitate for up to ninety (90) days.

Mr. Bray states owner has not maintained or secured prop in two (2) years.

Mr. Filarski verifies dates on pictures.

Nellie Avalos, Building Inspector, advises the pictures were taken one (1) week prior to meeting. Marielena Peinado, a twenty (20) year resident and neighbor to the property was available for public comment; states that the property owner does not up keep the home.

Mr. Juarez is requesting more time to fix the home.

Mr. Filarski making motion to accept staff recommendations which are thirty (30) days to secure and clean or demolish and in sixty (60) days will return to the Commission Board if feasibility of repairs have been made, Engineer's Report has been issued, and if no progress, then continue process to demolish, and obtain a building permit.

Motion made by Mr. Bray, seconded Mr. Jurado to accept staff recommendations, and unanimously carried.

Bray Withdrawing original motion.

Recommendations have changed to thirty (30) days to secure and clean property or demolish and/or to obtain Engineer's Assessment and permit, and report back to Commission in sixty (60) days to verify that the Board recommendations have been followed and to show if any progress on rehabilitating home has been made. If no progress has been made, then property will be demolished.

Motion made by Mr. Filarski, seconded by Mr. Jurado to accept revised staff recommendations and unanimously carried.

The owners have been notified of the property maintenance violations at this property. To date there has been no response or corrective action taken, and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
3. That the structure's certificate of occupancy be revoked; and

4. That the main structure be demolished within thirty (30) days; and
 5. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 6. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VI. Public hearing to determine if the property located at 313 N. Carolina Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as Manuel Ramirez, and he has been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.

Nathan Walsh, Building Inspector, presented the case.

Manuel Ramirez, owner, was present for discussion and he is in agreement with demolition and permit process.

Motion made by Haggerty, seconded by Bray, to accept staff recommendations, unanimously passed.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken and therefore the Division recommends that it be found:

1. That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
 2. That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 3. That the structures' certificate of occupancy be revoked; and
 4. That the main structure and mother in law quarters can be rehabilitated; and
 5. That the main structure and mother in law quarters be secured and maintained secured within thirty (30) days;
 6. That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
 7. That the accessory structure be demolished within thirty (30) days;
 8. That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.
- VII. Public hearing to determine if the property located at 7721 Matamoros Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The interested parties have been identified as, The Estate of Bennie J. Gilmore and Harold W. Gilmore, and they have been notified of this hearing.

Tom Maguire, Chief Building Inspector, read the item into the record.
Wayne Fannin, Building Combination Inspector, presented the case.

Mr. Filarski verifies that there are three (3) structures on property; main building, mother in law quarters and accessory building on premises.

Harold Wesley Gilmore, son of Bennie Jean Gilmore; deceased in 2001, was present for discussion. He advised that the property has been vandalized. His intention is to rehabilitate the property and is in process of paying taxes and obtaining a remortgage on the home and making repairs. Mr. Gilmore does not want to demolish the accessory structure (shed). States that foundation is solid and can be salvaged.

Mr. Fannin, Building Inspector, advises that the accessory is collapsing and unsafe; containing trash, debris, etc. inside of the accessory.

Officer Chris Cordova MVRCC states that there have been theft reports, criminal mischief activity, and still remains unsecured to date of meeting.

Mr. Filarski states that all 3 structures need to be secured and maintained within thirty (30) days.

Mr. Gilmore is requesting for a sixty (60) day extension of time to secure shed.

Mr. Filarski is inquiring on the necessity of the 60 day extension of time.

Motion made by Mr. Bray, seconded by Mr. Haggerty, to accept staff recommendations, with the change of the accessory structure boarded, secured, and maintained cleaned unanimously passed.

VIII. Adjournment

Motion made to adjourn the meeting by Mr. Haggerty, seconded by Mr. Bray was unanimously carried. The meeting adjourned at 7:35 p.m.

Robert Filarski, Chairman, Panel "A"

Tom Maguire, Deputy Building Official
Code Compliance Division